



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 391

DIGEST OF SB 391 (Updated April 8, 1999 3:31 pm - DI 02)

Citations Affected: IC 20-1; IC 20-3; IC 20-3.1; IC 20-5; IC 20-6.1; IC 20-8.1; IC 20-10.1; noncode.

Synopsis: Education matters. Revises the reporting requirements for ISTEP and SAT test scores for school corporation annual performance reports and benchmarks to reflect current test scoring methods. Allows a school corporation to use larger type and graphics when publishing the annual performance report and provides a method to compute costs for publication of the report. Provides an optional method for a school corporation to distribute the annual performance report to members of the school community. Requires a public hearing for presentation and discussion of a school's annual performance report. Allows a school corporation to appoint assistant or deputy treasurers and provides that the term "treasurer" includes an assistant or a deputy treasurer. Allows
(Continued next page)

Effective: Upon passage; July 1, 1999.

Alting, Lubbers, Wolf

(HOUSE SPONSORS — SMITH V, SCHOLER, BODIKER)

January 11, 1999, read first time and referred to Committee on Education.
January 21, 1999, amended, reported favorably — Do Pass.
January 25, 1999, read second time, ordered engrossed. Engrossed.
January 26, 1999, read third time, passed. Yeas 46, nays 1.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Education.
April 5, 1999, amended, reported — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

ES 391—LS 7025/DI 71+



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a school corporation to adopt textbooks that do not appear on the state adoption list without seeking a waiver from the Indiana state board of education. Makes certain changes in the organization and election of members of the Gary school board. Prohibits a school principal's performance evaluation from being based in whole on the ISTEP scores of the students who are enrolled at the principal's school. Provides that a person who holds a GED diploma may obtain a high school diploma from the school corporation where the person has residence by passing the graduation examination under the ISTEP program within four years of obtaining the GED diploma. Allows a school corporation to receive state adult education distribution money for adult education programs for GED diploma holders who wish to obtain a high school diploma by passing the graduation examination. Establishes the preliminary scholastic assessment test (PSAT) program to allow Indiana resident students in grades 10 and 11 in public and private schools and homebased instruction to take the PSAT two times at no cost to the student. Provides for joint administration of the PSAT program by the department of education and the commission for higher education. Repeals the provision requiring a waiver from the department of education to adopt a textbook that does not appear on the state adoption list. Repeals provisions for the following programs that have expired, have not been funded, or are not in compliance with federal law: (1) Inclusion school pilot program. (2) Teacher quality and professional improvement program. (3) Compulsory attendance exception. (4) Governor's scholars academy. (5) Innovative education grant program. (6) Art education grant program. (7) Committee on educational attitudes, motivation, and parental involvement. (8) Readiness testing. (9) Student services summer institute. (10) Early childhood, preschool, and latch key pilot programs. (11) Anti-gang counseling pilot program. Removes references to repealed statutes from related sections.

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Reprinted
April 9, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 391

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-1-1.2-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Each school shall
3 submit to the department the following benchmarks:
4 (1) Graduation rate.
5 (2) Attendance rate.
6 (3) ISTEP scores, or, for a freeway school, scores on a locally
7 adopted assessment program, if appropriate. ~~including the number~~
8 ~~and percentage of students:~~
9 (A) ~~meeting an advanced standard; or~~
10 (B) ~~meeting a proficient standard.~~
11 (4) Actual class size.
12 (5) The number and percentage of students in the following
13 groups or programs:
14 (A) At risk.
15 (B) Vocational education.

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- 1 (C) Special education.
 2 (D) Gifted or talented.
 3 (E) ~~Remediation/preventative~~ **Remediation and preventive**
 4 remediation.
 5 (F) Technology preparation.
 6 (6) Advanced placement, including the following:
 7 (A) For advanced placement tests, the number and percentage
 8 of students:
 9 (i) scoring three (3), four (4), and **five (5); or and**
 10 (ii) participating.
 11 (B) For the Scholastic Aptitude Test: ~~the number and~~
 12 ~~percentage of students:~~
 13 (i) ~~above a designated proficient score; test scores; and~~
 14 (ii) ~~above a designated advanced score; or~~
 15 ~~(iii) the number and percentage of students participating.~~
 16 **(C) For the preliminary scholastic assessment test/national**
 17 **merit scholarship qualifying test:**
 18 **(i) test scores; and**
 19 **(ii) number and percentage of students participating.**
 20 (7) Course completion, including the number and percentage of
 21 students completing the following programs:
 22 (A) Academic honors diploma.
 23 (B) Core 40 curriculum.
 24 (C) Vocational programs.
 25 (8) The percentage of graduates who pursue higher education.
 26 (9) School safety, including the number and percentage of
 27 students receiving suspension or expulsion for the possession of
 28 alcohol, drugs, or weapons.
 29 (10) Financial information relevant to performance.
 30 (b) The superintendent and board shall determine which
 31 benchmarks under subsection (a) are appropriate benchmarks for
 32 performance based accreditation under IC 20-1-1.3-3.
 33 SECTION 2. IC 20-1-1.3-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall
 35 implement the performance-based award and incentive program to
 36 recognize and reward schools that have exhibited relative improvement
 37 toward the performance benchmarks determined to be appropriate for
 38 the school by the superintendent and board, including the following
 39 benchmarks:
 40 (1) Graduation rate.
 41 (2) Attendance rate.
 42 (3) ISTEP scores ~~under the ISTEP program or a locally adopted~~



assessment program used by or, for a freeway school, including the number and percentage of students:

(A) meeting an advanced standard; or

(B) meeting a proficient standard. scores on a locally adopted assessment program, if appropriate.

(4) Actual class size.

(5) The number and percentage of students in the following groups or programs:

(A) At risk.

(B) Vocational education.

(C) Special education.

(D) Gifted or talented.

(E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.

(F) Technology preparation.

(6) Advanced placement, including the following:

(A) For advanced placement tests, the number and percentage of students:

(i) scoring three (3), four (4), and **five (5); or and**

(ii) participating.

(B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~

(i) ~~above a designated proficient score;~~ **test scores; and**

(ii) ~~above a designated advanced score; or~~

~~(iii) the number and percentage of students participating.~~

(C) For the preliminary scholastic assessment test/national merit scholarship qualifying test:

(i) test scores; and

(ii) number and percentage of students participating.

(7) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Vocational programs.

(8) The percentage of graduates who pursue higher education.

(9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.

(10) Financial information relevant to performance.

SECTION 3. IC 20-1-1.8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) To evaluate the effectiveness of step ahead as the program relates to the step ahead



goals listed in section 12 of this chapter, the panel shall employ the following assessment mechanisms:

(1) The step ahead county coordinator shall annually report to the panel on the development, quality, and appropriateness of the individual family service plans for children whose parents qualify under the income eligibility guidelines.

(2) The step ahead county coordinator shall annually report to the panel on the number of children who:

(A) are utilizing step ahead services; and

(B) do not qualify under the income eligibility guidelines.

~~(3) The panel shall annually assess the results of any readiness program under IC 20-10.1-21 for students in kindergarten and grade 1 to determine whether children enrolling in school after benefiting from step ahead demonstrate greater readiness for learning. The department shall cooperate with the panel in this regard by assisting in defining the term "readiness" and supporting the evaluation based on knowledge and training in early childhood.~~

~~(4)~~ (3) Any other valid assessment technique or method approved by the panel.

(b) The panel shall implement a schedule for assessing step ahead programs, utilizing prior evaluation results and techniques learned through the department's pilot preschool programs.

SECTION 4. IC 20-1-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **A school corporation shall implement subsection (b) or (c), or both.**

(b) **Not earlier than September 1 or later than September 15 of each year, the governing body of a school corporation shall publish a notice that is not less than eight and one-half (8 1/2) inches by eleven (11) inches in size stating the following:**

(1) **That the annual performance report of the school corporation, in compliance with the procedures identified in section 8 of this chapter, is available.**

(2) **That the governing body will provide a copy of the annual performance report to any person requesting it and the address and telephone number where a person may request a copy.**

(3) **The Internet address at which an annual performance report of the school corporation that complies with section 8 of this chapter is available.**

(4) **That the governing body will mail or distribute a printed report to the parents or guardians of students attending the**



1 school. The mailed or distributed report must contain all
 2 elements of the electronic report along with any additional
 3 information the school elects to provide.

4 **The governing body may not charge a fee for providing a copy of**
 5 **the annual performance report. The notice must be published one**
 6 **(1) time annually under IC 5-3-1.**

7 (c) Not earlier than September 1 or later than September 15 of each
 8 year, the governing body of a school corporation shall publish an
 9 annual performance report of the school corporation, in compliance
 10 with the procedures identified in section 8 of this chapter. The report
 11 must be published one (1) time annually under IC 5-3-1.
 12 **Notwithstanding IC 5-3-1-1(c), the annual performance report of**
 13 **the school corporation may include the following:**

14 (1) **Type larger than the type used in the regular reading**
 15 **matter of the newspaper or qualified publication.**

16 (2) **Graphics.**

17 (3) **Other typographical methods to enhance the report.**

18 **However, the basic charge for publishing the annual performance**
 19 **report remains the charge for the lines as computed with the**
 20 **formula established in IC 5-3-1-1(b). To determine the charge for**
 21 **publishing the annual performance report, advertising space**
 22 **devoted to graphics, type larger than the type used in the regular**
 23 **reading matter of the newspaper or qualified publication, and**
 24 **other typographical methods to enhance the report shall be**
 25 **converted to the number of lines of regular reading matter that**
 26 **would have normally occupied the same space.**

27 SECTION 5. IC 20-1-21-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Not later than sixty
 29 (60) days after the publication of the report, the governing body of a
 30 school corporation ~~may~~ **shall** conduct ~~a~~ **at least one (1) public hearing**
 31 **meeting** at a location within the school corporation to present and
 32 discuss the report. The governing body may conduct the meeting in
 33 conjunction with a regular meeting of the governing body.

34 SECTION 6. IC 20-1-21-9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The report must
 36 include the following benchmarks:

37 (1) Graduation rate.

38 (2) Attendance rate.

39 (3) ISTEP test scores or, for a freeway school, scores on a locally
 40 adopted assessment program, if appropriate. ~~including the number~~
 41 ~~and percentage of students:~~

42 ~~(A) meeting an advanced standard; or~~



- 1 ~~(B) meeting a proficient standard.~~
2 (4) Actual class size.
3 (5) The number and percentage of students in the following
4 groups or programs:
5 (A) At risk.
6 (B) Vocational education.
7 (C) Special education.
8 (D) Gifted or talented.
9 (E) ~~Remediation/preventative~~ **Remediation and preventive**
10 remediation.
11 (6) Advanced placement, including the following:
12 (A) For advanced placement tests, the number and percentage
13 of students:
14 (i) scoring three (3), four (4), and **five (5); or and**
15 (ii) participating.
16 (B) For the Scholastic Aptitude Test: ~~the number and~~
17 percentage of students:
18 (i) ~~above a designated proficient score; test scores; and~~
19 (ii) ~~above a designated advanced score; or~~
20 ~~(iii) the number and percentage of students~~ participating.
21 **(C) For the preliminary scholastic assessment test/national**
22 **merit scholarship qualifying test:**
23 (i) **test scores; and**
24 (ii) **number and percentage of students participating.**
25 (7) Course completion, including the number and percentage of
26 students completing the following programs:
27 (A) Academic honors diploma.
28 (B) Core 40 curriculum.
29 (C) Vocational programs.
30 (8) The percentage of graduates who pursue higher education.
31 (9) School safety, including the number and percentage of
32 students receiving suspension or expulsion for the possession of
33 alcohol, drugs, or weapons.
34 (10) Financial information relevant to performance.
35 SECTION 7. IC 20-3-21-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**
37 **provided in subsection (b), IC 20-4-10.1 does not apply to a school**
38 **corporation or the governing body of a school corporation covered**
39 **by this chapter. applies to a school corporation for which a referendum**
40 **has been held:**
41 (1) ~~as required by statute; and~~
42 (2) **in which a majority of the votes cast approve electing the**



members of the governing body:

(b) The governing body of a school corporation covered by this chapter may reorganize under IC 20-4-10.1 after June 30, 2009. If the governing body of the school corporation reorganizes under this subsection, the following apply:

(1) This chapter does not apply to the manner in which the governing body is constituted.

(2) The manner in which the governing body is constituted is as provided in the plan adopted under IC 20-4-10.1.

SECTION 8. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members ~~Six (6) members who~~ shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a primary election held in the county.

(3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

(1) ~~Each of six (6) of the members shall be elected from must reside in one (1) of the six (6) school districts drawn under section 4 of this chapter. in which the members reside but who shall; upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.~~

(2) One (1) of the members shall be appointed by the mayor of the largest city contained within the school corporation. The member must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration. The member must have resided within the school corporation boundaries the previous five (5) years. ~~may reside in any of the districts drawn under section 4 of this chapter.~~

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 9. IC 20-3-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. (a) Section 3(a)(1) of this chapter relating to election of members on the governing body on a nonpartisan basis requires the following:

(1) A candidate for election to the governing body may not do any of the following:

(A) Seek the endorsement or assistance of a political party in the candidate's election to the governing body.



(B) State in any campaign communications that the candidate is endorsed by a political party.

(2) A political party may not directly or indirectly campaign for or against a candidate for election to the governing body.

(b) The county election board shall impose a civil penalty on a candidate or a political party that violates subsection (a) of one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board.

(c) Subject to this section, IC 3-9-4-17 applies to proceedings relating to a violation of this section.

SECTION 10. IC 20-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. **(a) The six (6) members who are elected for a position on the governing body described under section 3(b)(1) of this chapter are determined as follows:**

(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the members are to be elected and that includes the following information:

(A) The name of the candidate.

(B) The district in which the candidate resides.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) The fact that the candidate is running for a district position.

(E) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate within each particular district who receives the greatest number of votes within the school corporation is elected.

(b) The member who is elected for a position on the governing body described under section 3(b)(2) of this chapter is determined as follows:

(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

(A) The name of the candidate.

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(C) The fact that the candidate is running for the at-large



position on the governing body.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

(A) runs for the at-large position on the governing body; and

(B) receives the greatest number of votes within the school corporation;

is elected to the at-large position.

SECTION 11. IC 20-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~The following applies to~~ (a) A candidate who runs for a position on the governing body

(1) ~~The candidate described under section 3(b)(1) of this chapter~~ must reside within the boundaries of the school corporation

(2) ~~The candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the member is to be elected. The petition must include the following information:~~

(A) ~~The name of the candidate.~~

(B) ~~The signatures of at least one hundred (100) registered voters residing within the school corporation.~~

(C) ~~A certification that the candidate meets the qualifications for candidacy imposed by this chapter.~~

(3) ~~Eligible voters residing within the boundaries of the school corporation may vote for the candidate.~~

(4) ~~The candidate who receives the greatest number of votes is elected.~~

district for which the candidate filed.

(b) A candidate who runs for the at-large position on the governing body described in section 3(b)(2) of this chapter must reside within the boundaries of the school corporation.

SECTION 12. IC 20-3-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall be elected as follows:

(1) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in ~~1992~~ 2000 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b)(1) of this



chapter shall be elected at the primary election to be held in ~~1994~~
2002 and every four (4) years thereafter.

**(3) The at-large member elected under section 3(b)(2) of this
chapter shall be elected at the primary election to be held in
2000 and every four (4) years thereafter.**

SECTION 13. IC 20-3-21-10 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~Except for a~~
~~member appointed under section 3(b)(2) of this chapter,~~ A vacancy on
the governing body shall be filled temporarily by the governing body
as soon as practicable after the vacancy occurs.

SECTION 14. IC 20-3.1-15-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To provide the board
with the necessary flexibility and resources to carry out this article, the
following apply:

(1) The board may eliminate or modify existing policies and
create new policies, and alter policies from time to time, subject
to this article and the plan developed under IC 20-3.1-7.

(2) IC 20-7.5 does not apply to matters set forth in this article.
The matters set forth in this article may not be the subject of
collective bargaining or discussion under IC 20-7.5.

(3) An exclusive representative certified under IC 20-7.5 to
represent certified employees of the school city, or any other
entity voluntarily recognized by the board as a representative of
employees providing educational services in the schools, may
bargain collectively only concerning salary, wages, and salary and
wage related fringe benefits. The exclusive representative may not
bargain collectively or discuss performance awards under
IC 20-3.1-12.

(4) The board of school commissioners may waive the following
statutes and rules for any school in the school city without the
need for administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and
instructional time:

511 IAC 6.1-3-4

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4

(B) The following rules concerning pupil/teacher ratios:

511 IAC 6-2-1(b)(2)

511 IAC 6.1-4-1



(C) The following statutes and rules concerning textbooks, and rules adopted under the statutes:

IC 20-10.1-9-1

IC 20-10.1-9-18

IC 20-10.1-9-21

IC 20-10.1-9-23

~~IC 20-10.1-9-27~~

IC 20-10.1-10-1

IC 20-10.1-10-2

511 IAC 6.1-5-5

(D) The following rules concerning school principals:

511 IAC 6-2-1(c)(4)

511 IAC 6.1-4-2

(E) 511 IAC 2-2, concerning school construction and remodeling.

(5) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation among any account of the school corporation, including a professional development and technology fund established under clause (B).

(6) Transfer funds obtained from property taxation among the general fund (established under IC 21-2-11) and the school transportation fund (established under IC 21-2-11.5), subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this clause.

(B) This clause does not allow a school corporation to transfer to any other fund money from the debt service fund (established under IC 21-2-4).

SECTION 15. IC 20-5-7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 1999]: **Sec. 0.5. As used in this chapter, "treasurer" includes an assistant treasurer or a deputy treasurer.**

SECTION 16. IC 20-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Every public school in the state of Indiana shall have a treasurer for the purpose of this chapter who shall be the superintendent or principal of the particular school or some clerk of the school corporation or member of the faculty appointed by such superintendent or principal, such designation to be made immediately upon the opening of the school term or the vacating of such treasurership. All claims shall be filed and paid in accordance with the terms of section 2 of this chapter, and the power to appoint and engage such school treasurer or clerk is hereby granted to the employing and/or appointing officials of the school.

(b) **A school corporation may appoint one (1) or more assistant or deputy treasurers.**

SECTION 17. IC 20-5-62-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Notwithstanding any other law, the operation of the following is suspended for a freeway school corporation or a freeway school if the governing body of the school corporation elects to have the specific statute or rule suspended in the contract:

(1) The following statutes and rules concerning curriculum and instructional time:

IC 20-10.1-2-2

IC 20-10.1-4-6

IC 20-10.1-4-7

IC 20-10.1-4-9.1

511 IAC 6-7-6

511 IAC 6.1-3-4

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4

(2) The following rules concerning pupil/teacher ratios:

511 IAC 6-2-1(b)(2)

511 IAC 6.1-4-1

(3) The following statutes and rules concerning textbooks:

IC 20-10.1-9-1

IC 20-10.1-9-18

IC 20-10.1-9-21

IC 20-10.1-9-23



- 1 ~~IC 20-10.1-9-27~~
- 2 IC 20-10.1-10-1
- 3 IC 20-10.1-10-2
- 4 511 IAC 6.1-5-5
- 5 (4) 511 IAC 6-7, concerning graduation requirements.
- 6 (5) 511 IAC 6-2-1(c)(4), concerning pupil/principal ratios.
- 7 (6) 511 IAC 2-2, concerning school construction and remodeling.
- 8 (7) IC 20-1-1.2, concerning the performance-based accreditation
- 9 system.
- 10 (8) IC 20-10.1-16, concerning the ISTEP program established
- 11 under IC 20-10.1-16-8, if an alternative locally adopted norm and
- 12 criterion referenced assessment program is adopted under section
- 13 6(7) of this chapter.

14 SECTION 18. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: **Sec. 17.4. The evaluation of a**
17 **principal's performance may not be based in whole on the ISTEP**
18 **program test scores under IC 20-10.1-16 of the students enrolled**
19 **at the principal's school.**

20 SECTION 19. IC 20-8.1-9-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) If a parent of a
22 child or an emancipated minor who is enrolled in a public school in
23 ~~grades K-12~~, **kindergarten through grade 12** meets the financial
24 eligibility standard under section 2 of this chapter, the parent or the
25 emancipated minor may not be required to pay the fees for school
26 books, supplies, or other required class fees. Such fees shall be paid by
27 the school corporation in which the child resides.

28 (b) The school corporation may apply for a reimbursement under
29 section 9 of this chapter from the department of the costs incurred
30 under subsection (a).

31 (c) To the extent the reimbursement received by the school
32 corporation is less than the textbook rental fee assessed for textbooks,
33 ~~that have been adopted under IC 20-10.1-9-1 or waived under IC~~
34 ~~20-10.1-9-27~~, the school corporation may request that the parent or
35 emancipated minor pay the balance of this amount.

36 SECTION 20. IC 20-8.1-9-9 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) If a determination
38 is made that the applicant is eligible for assistance, the school
39 corporation shall pay the cost of the student's required fees.

40 (b) A school corporation may receive a reimbursement from the
41 department for some or all of the costs incurred by a school corporation
42 during a school year in providing textbook assistance to children who

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are eligible under section 2 of this chapter.

(c) In order to be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

(1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;

(2) the costs incurred by the school corporation in providing:

(A) textbooks (including textbooks used in special education and gifted and talented classes) to these students;

(B) workbooks and consumable textbooks (including workbooks and consumable textbooks, and other consumable instructional materials that are used in special education and gifted and talented classes) that are used by students for no more than one (1) school year; and

(C) instead of the purchase of textbooks, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;

~~(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and gifted and talented classes) has been adopted by the state board of education under IC 20-10.1-9-1 or has been waived by the state board of education under IC 20-10.1-9-27;~~

~~(4) (3) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;~~

~~(5) (4) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable instructional material used in special education and gifted and talented classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable instructional material used in special education and gifted and talented classes);~~

~~(6) (5) that the amount of reimbursement requested for each textbook used in special education and gifted and talented classes is amortized for the number of years in which the textbook is used;~~

~~(7) (6) that the amount of reimbursement requested for developmentally appropriate material is amortized for the number~~



1 of years in which the material is used and does not exceed a total
 2 of one hundred percent (100%) of the costs incurred for the
 3 developmentally appropriate material; and

4 ~~(8)~~ (7) any other information required by the department,
 5 including copies of purchase orders used to acquire consumable
 6 instructional materials used in special education and gifted and
 7 talented classes and developmentally appropriate material.

8 (e) Each school within a school corporation shall maintain complete
 9 and accurate information concerning the number of students
 10 determined to be eligible for assistance under this chapter. This
 11 information shall be provided to the department upon request.

12 (f) If the amount of reimbursement requested before November 1 of
 13 a particular year exceeds the amount of money appropriated to the
 14 department for this purpose, the department shall proportionately
 15 reduce the amount of reimbursement to each school corporation.

16 (g) A school corporation may submit a supplemental reimbursement
 17 request under section 9.1 of this chapter. The school corporation is
 18 entitled to receive a supplemental reimbursement only if there are
 19 funds available. The department shall proportionately reduce the
 20 amount of supplemental reimbursement to each school corporation if
 21 the total amount requested exceeds the amount of money available to
 22 the department for this purpose. In the case of this supplemental
 23 reimbursement, the provisions in this section apply, except that section
 24 9.1 of this chapter applies to the making of the supplemental request by
 25 the governing body of the school corporation.

26 (h) Parents receiving other governmental assistance or aid which
 27 considers educational needs in computing the entire amount of
 28 assistance granted may not be denied assistance if the applicant's total
 29 family income does not exceed the standards established by this
 30 chapter.

31 SECTION 21. IC 20-8.1-9-9.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. (a) If a parent of a
 33 child or an emancipated minor who is enrolled in an accredited
 34 nonpublic school meets the financial eligibility standard under section
 35 2 of this chapter, the parent or the emancipated minor may receive a
 36 reimbursement from the department as provided in this chapter for the
 37 costs or some of the costs incurred by the parent or emancipated minor
 38 in fees that are reimbursable under section 9 of this chapter. The extent
 39 to which the fees are reimbursable under this section may not exceed
 40 the percentage rates of reimbursement under section 9 of this chapter.
 41 In addition, if a child enrolls in an accredited nonpublic school after the
 42 initial request for reimbursement is filed under subsection (b), the



parent of the child or the emancipated minor who meets the financial eligibility standard may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under section 9 of this chapter by applying to the accredited nonpublic school for assistance. In this case, the provisions of this section apply, except that section 9.6 of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

- (1) the appropriate application forms; and
- (2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) In order to be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

- (1) the number of students who are enrolled in that accredited nonpublic school and who are eligible for assistance under this chapter;
- (2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and gifted and talented classes); and

(B) workbooks and consumable textbooks (including workbooks, consumable textbooks, and other consumable teaching materials that are used in special education and gifted and talented classes) that are used by students for no more than one (1) school year;

~~(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and gifted and talented classes) has been adopted by the state board of education under IC 20-10.1-9-1 or has been waived by the state board of education~~



~~under IC 20-10.1-9-27;~~

~~(4)~~ (3) that the amount of reimbursement requested for each textbook ~~under subdivision (3)~~ does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

~~(5)~~ (4) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes);

~~(6)~~ (5) that the amount of reimbursement requested for each textbook used in special education and gifted and talented classes is amortized for the number of years in which the textbook is used; and

~~(7)~~ (6) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and gifted and talented classes.

(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section 9.6 of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if there are funds available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) IC 20-8.1-9-9(h) applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

(l) The **Indiana** state board of education shall adopt rules under IC 4-22-2 to implement this section.

SECTION 22. IC 20-10.1-7-1 IS AMENDED TO READ AS

ES 391—LS 7025/DI 71+



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The board and the state superintendent may prescribe a program of adult education. The board shall adopt under IC 4-22-2 rules to provide this program and the state distribution formula for money appropriated by the general assembly for adult education. Money appropriated by the general assembly for adult education may only be used to reimburse a school corporation for adult education that is provided to persons who:

(1) need that education to gain the mastery of a skill that leads to:

(A) the completion of grade 8; ~~or~~

(B) a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1; **or**

(C) a high school diploma under IC 20-10.1-12.1-5;

(2) need that education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate or a state of Indiana general educational development (GED) diploma) but who demonstrate basic skill deficiencies in mathematics or English/language arts.

However, the school corporation may not count, for reimbursement under this section, any person who is also enrolled in its K-12 educational program. In addition, a person described in subdivision (3) may only be counted for reimbursement by the school corporation for classes taken in the subjects of mathematics and English/language arts.

(b) The board shall provide for reimbursement to a school corporation under this section for ~~instructor's~~ **instructors'** salaries and administrative and support costs. However, the board may not allocate more than fifteen percent (15%) of the total appropriation for administrative and support costs.

(c) Each school corporation may conduct a program of adult education.

(d) Each school corporation may require a person who:

(1) is at least sixteen (16) years of age; and

(2) wishes to enroll in a school following that student's expulsion from school under IC 20-8.1-5 (before its repeal) or IC 20-8.1-5.1 on the grounds that the student was disorderly or that the student was dangerous to persons or property;

to attend evening classes or classes established for students who are at least sixteen (16) years of age. However, a child with a disability (as defined by IC 20-1-6-1) who is at least eighteen (18) years of age and whom the school corporation elects to educate shall be provided with an appropriate special educational program.

SECTION 23. IC 20-10.1-9-1 IS AMENDED TO READ AS

ES 391—LS 7025/DI 71+



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Subject to subsection ~~(c)~~; **(b)**, the **Indiana** state board of education shall adopt textbooks and enter into contracts with publishers to furnish these textbooks at fixed prices. For each subject for which credit is given in the public schools and for each grade, the board shall adopt as many textbooks as it finds are satisfactory. In addition to adopting textbooks under this section, the board may recommend to school corporations as many as seven (7) textbooks from the list of adopted textbooks that the board finds most satisfactory. The board shall make regular adoptions and contracts each year for every subject in one (1) subject classification under section 4 of this chapter. These contracts shall be for six (6) years. The board in its call for bids may exempt a certain textbook category or categories in nonrequired subject matter areas from being bid.

(b) If a textbook:

~~(1) were adopted by the state board of education at its last regular adoption of textbooks for that subject; or was adopted by the board under section 5 or 6 of this chapter within the last six (6) years; and~~

~~(2) the publisher does not submit a bid proposal for that textbook at the next regular adoption of textbooks for that subject;~~

~~a school corporation may continue to use that textbook unless the board finds that the textbook is no longer satisfactory. This subsection does not require a publisher to submit a bid or enter into a contract for the continued sale of such a textbook. A textbook whose continued use is authorized by this subsection may be used for a maximum of six (6) years after the expiration of its original adoption.~~

~~(c)~~ The board may adopt only textbooks that:

(1) have been recommended by the advisory committee on textbook adoption under IC 20-1-1-1; or

(2) are approved by seven (7) members of the board.

~~(d)~~ **(c)** In adopting textbooks, the board shall give priority to textbooks written at a reading level appropriate to the grade for which the textbooks will be used.

SECTION 24. IC 20-10.1-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The **Indiana** state board of education may, at any time, make additional adoptions as new textbooks become available. ~~or as waivers are granted under section 27 of this chapter.~~ A contract for a textbook that was adopted after regular adoption shall expire at the same time as contracts which were entered into at the regular time for adoptions of textbooks in that subject.

SECTION 25. IC 20-10.1-9-21 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The superintendent shall be responsible for the establishment of procedures for textbook adoption. The procedures must include the involvement of teachers and parents on an advisory committee for the preparation of recommendations for textbook adoptions. The majority of the members of the advisory committee must be teachers, and not less than forty percent (40%) of the committee must be parents. These recommendations shall be submitted to the superintendent in accordance with the established procedures in the local school corporation. **A recommendation submitted under this subsection may be one (1) of the following:**

(1) **To adopt a textbook from the state adoption list.**

(2) **To adopt a textbook that does not appear on the state adoption list.**

(b) The governing body, upon receiving these recommendations, ~~from the superintendent;~~ shall adopt from the state textbook adoption lists a textbook for use in teaching each subject in the school corporation: **do either of the following:**

(1) **Adopt textbooks from the state adoption list.**

(2) **Adopt textbooks that do not appear on the state adoption list.**

The governing body shall adopt textbooks on a cycle that coincides with the state adoption cycle under section 4 of this chapter.

(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks and may make recommendations to the superintendent and the governing body concerning the use of this material.

~~(d) Each textbook selected shall be used for the lesser of:~~

~~(1) six (6) years; or~~

~~(2) the effective period of the state board of education's adoption of that textbook.~~

~~(e) A selection may be extended beyond that period for up to six (6) years; if the governing body is granted a waiver under section 27 of this chapter.~~

SECTION 26. IC 20-10.1-9-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. After a local superintendent has selected textbooks under this chapter, ~~and not later than July 1, when new contracts become effective;~~ **he the superintendent** shall forward to the **Indiana** state board of education a list of those selections for all subjects and grades. ~~The board shall examine these lists; and;~~ if the board finds a deviation from the state



adopted list and that there has been no waiver granted under section 27 of this chapter; the board shall notify the local superintendent of the deviation. If the school corporation does not comply with this chapter within thirty (30) days of receiving the notification, the board shall cancel the accreditation of the offending schools:

SECTION 27. IC 20-10.1-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Each governing body may purchase from a contracting publisher, at the net contract price or at any subsequent lower price, any textbook adopted by the **Indiana** state board of education ~~and or~~ selected by the proper local officials, and may rent these textbooks to students enrolled in any public or nonpublic school which is in compliance with the minimum certification standards of the state board of education and is located within the attendance unit served by the governing body, at an annual rental not to exceed twenty-five percent (25%) of the retail price of the textbooks.

(b) However, the governing body may not assess a rental fee of more than fifteen percent (15%) of the retail price of a textbook that is **used for more than six (6) years. has been:**

- (1) adopted for usage by students under IC 20-10.1-9;
- (2) extended for usage by students under IC 20-10.1-9-1(b); and
- (3) paid for through rental fees previously collected:

(c) This section does not limit any other laws but is supplementary.

SECTION 28. IC 20-10.1-12.1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As used in this section, "eligible person" means a person who:

- (1) has residence in a school corporation; and
- (2) holds a state of Indiana general educational development (GED) diploma issued within four (4) years of the date of administration of the graduation examination under subsection (d).

(b) As used in this section, "graduation examination" has the meaning set forth in IC 20-10.1-16-1.5.

(c) As used in this section, "residence" has the meaning set forth in IC 3-5-2-42.5.

(d) At the regular time when the graduation examination is administered to students of a school corporation, a school corporation shall administer a graduation examination to an eligible person who asks to take or retake the graduation examination.

(e) The governing body of a school corporation shall issue a high



1 school diploma to an eligible person who passes the graduation
2 examination.

3 (f) Notwithstanding IC 20-10.1-17 or any other law, a school
4 corporation is not required to provide remediation to an eligible
5 person who does not pass the graduation examination.

6 SECTION 29. IC 20-10.1-22-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The types of
8 initiatives for which money appropriated to the program may be
9 utilized include the following:

10 (1) Conducting feasibility studies concerning the following:

11 (A) Mandating full-day or half-day kindergarten programs.

12 (B) Choice of enrollment programs.

13 (C) Establishing magnet schools.

14 (2) An evaluation of P.L.390-1987(ss).

15 (3) Exploring different or expanded testing methods.

16 (4) An evaluation of the primetime program under IC 21-1-30.

17 ~~(5) Administering pilot programs concerning school academic~~
18 ~~readiness factors of students in kindergarten and grades 1 and 2.~~

19 ~~(6) (5) Studying the implications of offering preschool programs~~
20 ~~for special education students.~~

21 ~~(7) Conducting the student services programs under IC~~
22 ~~20-10.1-23.~~

23 ~~(8) (6) The Indiana writing project.~~

24 (b) The evaluation of P.L.390-1987(ss) and the primetime program
25 described in subsection (a)(2) and (a)(4) shall be conducted by an
26 entity other than the department under a contract entered into by the
27 department.

28 ~~(c) The student services programs under subsection (a)(7) shall be~~
29 ~~funded under the program based upon criteria approved by the~~
30 ~~department. The programs must include a study of:~~

31 ~~(1) the role of the public school guidance counselor; and~~

32 ~~(2) the guidance counselor proficiency statements developed~~
33 ~~under P.L.342-1989(ss); SECTION 39; as approved by the~~
34 ~~department.~~

35 SECTION 30. IC 20-10.1-22.3 IS ADDED TO THE INDIANA
36 CODE AS A NEW CHAPTER TO READ AS FOLLOWS:
37 [EFFECTIVE JULY 1, 1999]: Chapter 22.3 Preliminary Scholastic
38 Assessment Test (PSAT) Program.

39 Sec. 1. As used in this chapter, "commission" refers to the
40 commission for higher education established by IC 20-12-0.5-2.

41 Sec. 2. As used in this chapter, "eligible student" means a
42 student who is:



- (1) in grade 10 or 11, if the student is enrolled in a public or nonpublic school or the equivalent academic level under a program of homebased instruction; and
- (2) a resident of Indiana.

Sec. 3. As used in this chapter, "program" refers to the preliminary scholastic assessment test/national merit scholarship qualifying test.

Sec. 4. As used in this chapter, "PSAT" refers to the preliminary scholastic assessment test/national merit scholarship qualifying test.

Sec. 5. The PSAT program is established to encourage eligible students to take the PSAT. The department and the commission shall administer the program jointly.

Sec. 6. (a) The program shall provide each eligible student who:

- (1) qualifies to take the PSAT;
- (2) wishes to take the PSAT; and
- (3) is appropriately registered to take the PSAT;

the opportunity to take the PSAT at no cost to the student.

(b) An eligible student may take the PSAT at no cost two times under the program.

Sec. 7. The department and the commission shall prepare an annual report concerning the implementation of the program and shall submit the report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:

- (1) The number of students participating in the program.
- (2) Recent trends in the field of preliminary scholastic assessment testing.
- (3) The distribution of money under this program.
- (4) Other pertinent matters.

Sec. 9. The board and the commission may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 31. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 20-1-6.2; IC 20-6.1-7; IC 20-8.1-3-19; IC 20-8.1-10; IC 20-10.1-13; IC 20-10.1-14; IC 20-10.1-19; IC 20-10.1-21; IC 20-10.1-23-3; IC 20-10.1-23-4; IC 20-10.1-24; IC 20-10.1-27.

SECTION 32. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "governing body" refers to the governing body of a school corporation covered by IC 20-3-21, as amended by this act.

(b) The successors of the members of the governing body elected at the 1998 primary election shall be elected at the 2002 primary



1 election under IC 20-3-21, as amended by this act.

2 (c) The successors of the members of the governing body not
3 elected at the 1998 primary election shall be elected at the 2000
4 primary election under IC 20-3-21, as amended by this act.

5 (d) This SECTION expires January 1, 2003.

6 SECTION 33. [EFFECTIVE JULY 1, 1999] (a) As used in this
7 section, "city" refers to a city having a population of more than one
8 hundred ten thousand (110,000) but less than one hundred twenty
9 thousand (120,000).

10 (b) As used in this SECTION, "county election board" refers to
11 the county election board of a county having a population of more
12 than four hundred thousand (400,000) but less than seven hundred
13 thousand (700,000).

14 (c) As used in this SECTION, "library board" refers to the
15 library board for a public library of a city.

16 (d) A local public question shall be placed on the ballot at a
17 special election held in a city on May 2, 2000, asking voters who
18 reside within the city whether the members of the library board
19 should be elected by the voters in the city. The public question must
20 read as follows:

21 "Shall the members of the _____ (insert the name of
22 the city) Public Library Board be elected by the voters of the
23 City of _____ (insert the name of the city)?"

24 (e) Above the public question stated in subsection (d), the county
25 election board shall place the following statement:

26 "Election of the members of the Library Board requires
27 passage of a law by the Indiana General Assembly. The
28 results of the election are advisory only. The General
29 Assembly is not required to act or refrain from acting based
30 on the outcome of the vote on this question."

31 (f) The county election board shall tabulate the votes cast on the
32 public question described in this SECTION and certify the results
33 under IC 3-12-4-9. The county election board shall send a copy of
34 the certification to the following:

- 35 (1) The mayor of the city.
- 36 (2) The members of the library board.
- 37 (3) The speaker of the house of representatives.
- 38 (4) The president pro tempore of the senate.

39 (g) Subject to this SECTION, IC 3-10-8 and IC 3-10-9 apply to
40 the special election required by this SECTION.

41 (h) This SECTION expires January 1, 2001.

42 SECTION 34. [EFFECTIVE JULY 1, 1999] (a) The Indiana state



board of education and the professional standards board shall jointly develop and report to the general assembly by January 1, 2000, a plan to reimplement the "Academic Study of Religion in Secondary Schools", which was implemented in Indiana in 1978, 1979, and 1980. The plan must do the following:

(1) Address the following:

(A) The training of prospective and current teachers.

(B) Curriculum guidelines.

(C) Teacher training materials.

(D) Student learning materials.

(E) Costs.

(2) Follow guidelines established or implied by the United States Supreme Court on the teaching of religion in public schools.

(3) Encourage variety in course programming such as providing for courses to be offered as:

(A) self-contained units within language arts, fine arts, or social studies curricula; or

(B) part of an integrated program in humanities studies.

(4) To assure constitutional application, address the need for teacher consultation and professional oversight and review to answer questions of interpretation and application.

(b) This SECTION expires July 1, 2001.

SECTION 35. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 391, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-1-1.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Each school shall submit to the department the following benchmarks:

- (1) Graduation rate.
- (2) Attendance rate.
- (3) ISTEP scores, or, for a freeway school, scores on a locally adopted assessment program, if appropriate. ~~including the number and percentage of students:~~
 - ~~(A) meeting an advanced standard; or~~
 - ~~(B) meeting a proficient standard:~~
- (4) Actual class size.
- (5) The number and percentage of students in the following groups or programs:
 - (A) At risk.
 - (B) Vocational education.
 - (C) Special education.
 - (D) Gifted or talented.
 - (E) ~~Remediation/preventative~~ **Remediation and preventive** remediation.
 - (F) Technology preparation.
- (6) Advanced placement, including the following:
 - (A) For advanced placement tests, the number and percentage of students:
 - (i) scoring three (3), four (4), and (5); ~~or~~ **and**
 - (ii) participating.
 - (B) For the Scholastic Aptitude Test: ~~the number and percentage of students:~~
 - (i) ~~above a designated proficient score; test scores; and~~
 - (ii) ~~above a designated advanced score; or~~
 - ~~(iii) the number and percentage of students~~ **participating.**
- (7) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Vocational programs.

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- (8) The percentage of graduates who pursue higher education.
- (9) School safety, including the number and percentage of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons.
- (10) Financial information relevant to performance.

(b) The superintendent and board shall determine which benchmarks under subsection (a) are appropriate benchmarks for performance based accreditation under IC 20-1-1.3-3."

Page 14, line 35, after "that" insert "**is used for more than six (6) years.**".

Page 14, strike lines 36 through 39.

Page 15, line 31, delete "IC 20-10.1-23;" and insert "IC 20-10.1-23-3; IC 20-10.1-23-4;".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 391as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, after "(4), and" insert "**five**".

Page 4, delete lines 16 through 37, begin a new paragraph and insert:

"SECTION 4. IC 20-1-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. **(a) A school corporation shall implement subsection (b) or (c), or both.**

(b) Not earlier than September 1 or later than September 15 of each year, the governing body of a school corporation shall publish a notice that is not less than eight and one-half (8 1/2) inches by eleven (11) inches in size stating the following:

(1) That the annual performance report of the school corporation, in compliance with the procedures identified in section 8 of this chapter, is available.

(2) That the governing body will provide a copy of the annual performance report to any person requesting it and the address and telephone number where a person may request a copy.

(3) The Internet address at which an annual performance report of the school corporation that complies with section 8 of this chapter is available.

(4) That the governing body will mail or distribute a printed report to the parents or guardians of students attending the school. The mailed or distributed report must contain all elements of the electronic report along with any additional information the school elects to provide.

The governing body may not charge a fee for providing a copy of the annual performance report. The notice must be published one (1) time annually under IC 5-3-1.

(c) Not earlier than September 1 or later than September 15 of each year, the governing body of a school corporation shall publish an annual performance report of the school corporation, in compliance with the procedures identified in section 8 of this chapter. The report must be published one (1) time annually under IC 5-3-1. Notwithstanding IC 5-3-1-1(c), the annual performance report of the school corporation may include the following:

(1) Type larger than the type used in the regular reading matter of the newspaper or qualified publication.



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(2) Graphics.**(3) Other typographical methods to enhance the report.**

However, the basic charge for publishing the annual performance report remains the charge for the lines as computed with the formula established in IC 5-3-1-1(b). To determine the charge for publishing the annual performance report, advertising space devoted to graphics, type larger than the type used in the regular reading matter of the newspaper or qualified publication, and other typographical methods to enhance the report shall be converted to the number of lines of regular reading matter that would have normally occupied the same space.

SECTION 5. IC 20-1-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Not later than sixty (60) days after the publication of the report, the governing body of a school corporation ~~may~~ **shall** conduct ~~a~~ **at least one (1) public hearing meeting** at a location within the school corporation to present and discuss the report. The governing body may conduct the meeting in conjunction with a regular meeting of the governing body."

Page 5, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 7. IC 20-3-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as provided in subsection (b), IC 20-4-10.1 does not apply to a school corporation or the governing body of a school corporation covered by this chapter.** ~~applies to a school corporation for which a referendum has been held:~~

(1) ~~as required by statute; and~~

(2) ~~in which a majority of the votes cast approve electing the members of the governing body.~~

(b) **The governing body of a school corporation covered by this chapter may reorganize under IC 20-4-10.1 after June 30, 2009. If the governing body of the school corporation reorganizes under this subsection, the following apply:**

(1) **This chapter does not apply to the manner in which the governing body is constituted.**

(2) **The manner in which the governing body is constituted is as provided in the plan adopted under IC 20-4-10.1.**

SECTION 8. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members ~~Six (6) members who~~ shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a primary election held in the county.



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(3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

(1) ~~Each of~~ six (6) of the members ~~shall be elected from~~ **must reside in one (1) of the six (6) school districts drawn** under section 4 of this chapter. ~~in which the members reside but who shall; upon election and in conducting the business of the governing body; represent the interests of the entire school corporation.~~

(2) One (1) of the members ~~shall be appointed by the mayor of the largest city contained within the school corporation. The member must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration. The member must have resided within the school corporation boundaries the previous five (5) years.~~ **may reside in any of the districts drawn under section 4 of this chapter.**

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 9. IC 20-3-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.5. (a) Section 3(a)(1) of this chapter relating to election of members on the governing body on a nonpartisan basis requires the following:**

(1) A candidate for election to the governing body may not do any of the following:

(A) Seek the endorsement or assistance of a political party in the candidate's election to the governing body.

(B) State in any campaign communications that the candidate is endorsed by a political party.

(2) A political party may not directly or indirectly campaign for or against a candidate for election to the governing body.

(b) The county election board shall impose a civil penalty on a candidate or a political party that violates subsection (a) of one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board.

(c) Subject to this section, IC 3-9-4-17 applies to proceedings relating to a violation of this section.

SECTION 10. IC 20-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a)** The six (6) members who are elected for a position on the governing body described under section 3(b)(1) of this chapter are determined as follows:



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(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the members are to be elected and that includes the following information:

- (A) The name of the candidate.
- (B) The district in which the candidate resides.
- (C) The signatures of at least one hundred (100) registered voters residing within the school corporation.
- (D) The fact that the candidate is running for a district position.
- (E) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate within each particular district who receives the greatest number of votes within the school corporation is elected.

(b) The member who is elected for a position on the governing body described under section 3(b)(2) of this chapter is determined as follows:

(1) Each candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

- (A) The name of the candidate.**
- (B) The signatures of at least one hundred (100) registered voters residing within the school corporation.**
- (C) The fact that the candidate is running for the at-large position on the governing body.**
- (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.**

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

- (A) runs for the at-large position on the governing body; and**
- (B) receives the greatest number of votes within the school corporation;**

is elected to the at-large position.

SECTION 11. IC 20-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~The following applies to~~ (a) A candidate who runs for a position on the governing body



(1) The candidate described under section 3(b)(1) of this chapter must reside within the boundaries of the school corporation

(2) The candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the member is to be elected. The petition must include the following information:

(A) The name of the candidate;

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation;

(C) A certification that the candidate meets the qualifications for candidacy imposed by this chapter;

(3) Eligible voters residing within the boundaries of the school corporation may vote for the candidate;

(4) The candidate who receives the greatest number of votes is elected;

district for which the candidate filed.

(b) A candidate who runs for the at-large position on the governing body described in section 3(b)(2) of this chapter must reside within the boundaries of the school corporation.

SECTION 12. IC 20-3-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The members shall be elected as follows:

(1) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in 1992 2000 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b)(1) of this chapter shall be elected at the primary election to be held in 1994 2002 and every four (4) years thereafter.

(3) The at-large member elected under section 3(b)(2) of this chapter shall be elected at the primary election to be held in 2000 and every four (4) years thereafter.

SECTION 13. IC 20-3-21-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~Except for a member appointed under section 3(b)(2) of this chapter;~~ A vacancy on the governing body shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs."

Page 15, line 7, delete "(2)the" and insert "(2) the".

Page 16, after line 33, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "governing body" refers to the governing body of a school corporation covered by IC 20-3-21, as amended by this act.



(b) The successors of the members of the governing body elected at the 1998 primary election shall be elected at the 2002 primary election under IC 20-3-21, as amended by this act.

(c) The successors of the members of the governing body not elected at the 1998 primary election shall be elected at the 2000 primary election under IC 20-3-21, as amended by this act.

(d) This SECTION expires January 1, 2003.

SECTION 29. [EFFECTIVE JULY 1, 1999] (a) As used in this section, "city" refers to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(b) As used in this SECTION, "county election board" refers to the county election board of a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(c) As used in this SECTION, "library board" refers to the library board for a public library of a city.

(d) A local public question shall be placed on the ballot at a special election held in a city on May 2, 2000, asking voters who reside within the city whether the members of the library board should be elected by the voters in the city. The public question must read as follows:

"Shall the members of the _____ (insert the name of the city) Public Library Board be elected by the voters of the City of _____ (insert the name of the city)?"

(e) Above the public question stated in subsection (d), the county election board shall place the following statement:

"Election of the members of the Library Board requires passage of a law by the Indiana General Assembly. The results of the election are advisory only. The General Assembly is not required to act or refrain from acting based on the outcome of the vote on this question."

(f) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9. The county election board shall send a copy of the certification to the following:

- (1) The mayor of the city.
- (2) The members of the library board.
- (3) The speaker of the house of representatives.
- (4) The president pro tempore of the senate.

(g) Subject to this SECTION, IC 3-10-8 and IC 3-10-9 apply to the special election required by this SECTION.



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(h) This SECTION expires January 1, 2001.

SECTION 30. [EFFECTIVE JULY 1, 1999] (a) The Indiana state board of education and the professional standards board shall jointly develop and report to the general assembly by January 1, 2000, a plan to reimplement the "Academic Study of Religion in Secondary Schools", which was implemented in Indiana in 1978, 1979, and 1980. The plan must do the following:

(1) Address the following:

- (A) The training of prospective and current teachers.**
- (B) Curriculum guidelines.**
- (C) Teacher training materials.**
- (D) Student learning materials.**
- (E) Costs.**

(2) Follow guidelines established or implied by the United States Supreme Court on the teaching of religion in public schools.

(3) Encourage variety in course programming such as providing for courses to be offered as:

- (A) self-contained units within language arts, fine arts, or social studies curricula; or**
- (B) part of an integrated program in humanities studies.**

(4) To assure constitutional application, address the need for teacher consultation and professional oversight and review to answer questions of interpretation and application.

(b) This SECTION expires July 1, 2001."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 391 as printed January 22, 1999.)

PORTER, Chair

Committee Vote: yeas 12, nays 1.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 391 be amended to read as follows:

Page 13, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 18. IC 20-6.1-4-17.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.4. The evaluation of a principal's performance may not be based in whole on the ISTEP program test scores under IC 20-10.1-16 of the students enrolled at the principal's school.**"

Page 17, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 22. IC 20-10.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The board and the state superintendent may prescribe a program of adult education. The board shall adopt under IC 4-22-2 rules to provide this program and the state distribution formula for money appropriated by the general assembly for adult education. Money appropriated by the general assembly for adult education may only be used to reimburse a school corporation for adult education that is provided to persons who:

- (1) need that education to gain the mastery of a skill that leads to:
 - (A) the completion of grade 8; ~~or~~
 - (B) a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1; **or**
 - (C) a high school diploma under IC 20-10.1-12.1-5;**
- (2) need that education to receive high school credit to obtain a high school diploma; or
- (3) have graduated from high school (or received a high school equivalency certificate or a state of Indiana general educational development (GED) diploma) but who demonstrate basic skill deficiencies in mathematics or English/language arts.

However, the school corporation may not count, for reimbursement under this section, any person who is also enrolled in its K-12 educational program. In addition, a person described in subdivision (3) may only be counted for reimbursement by the school corporation for classes taken in the subjects of mathematics and English/language arts.

(b) The board shall provide for reimbursement to a school corporation under this section for ~~instructor's~~ **instructors'** salaries and administrative and support costs. However, the board may not allocate more than fifteen percent (15%) of the total appropriation for administrative and support costs.

(c) Each school corporation may conduct a program of adult education.

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(d) Each school corporation may require a person who:

- (1) is at least sixteen (16) years of age; and
- (2) wishes to enroll in a school following that student's expulsion from school under IC 20-8.1-5 (before its repeal) or IC 20-8.1-5.1 on the grounds that the student was disorderly or that the student was dangerous to persons or property;

to attend evening classes or classes established for students who are at least sixteen (16) years of age. However, a child with a disability (as defined by IC 20-1-6-1) who is at least eighteen (18) years of age and whom the school corporation elects to educate shall be provided with an appropriate special educational program."

Page 20, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 28. IC 20-10.1-12.1-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a) As used in this section, "eligible person" means a person who:**

- (1) has residence in a school corporation; and**
- (2) holds a state of Indiana general educational development (GED) diploma issued within four (4) years of the date of administration of the graduation examination under subsection (d).**

(b) As used in this section, "graduation examination" has the meaning set forth in IC 20-10.1-16-1.5.

(c) As used in this section, "residence" has the meaning set forth in IC 3-5-2-42.5.

(d) At the regular time when the graduation examination is administered to students of a school corporation, a school corporation shall administer a graduation examination to an eligible person who asks to take or retake the graduation examination.

(e) The governing body of a school corporation shall issue a high school diploma to an eligible person who passes the graduation examination.

(f) Notwithstanding IC 20-10.1-17 or any other law, a school corporation is not required to provide remediation to an eligible person who does not pass the graduation examination."

Page 22, after line 25, begin a new paragraph and insert:

"SECTION 33. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 391 as printed April 6, 1999.)

SMITH V



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 391 be amended to read as follows:

Page 2, between lines 15 and 16, begin a new line block indented and insert:

"(C) For the preliminary scholastic assessment test/national merit scholarship qualifying test:

(i) test scores; and

(ii) number and percentage of students participating."

Page 3, between lines 21 and 22, begin a new line block indented and insert:

"(C) For the preliminary scholastic assessment test/national merit scholarship qualifying test:

(i) test scores; and

(ii) number and percentage of students participating."

Page 6, between lines 12 and 13, begin a new line block indented and insert:

"(C) For the preliminary scholastic assessment test/national merit scholarship qualifying test:

(i) test scores; and

(ii) number and percentage of students participating."

Page 20, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 27. IC 20-10.1-22.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS: [EFFECTIVE JULY 1, 1999]: Chapter 22.3 Preliminary Scholastic Assessment Test (PSAT) Program.

Sec. 1. As used in this chapter, "commission" refers to the commission for higher education established by IC 20-12-0.5-2.

Sec. 2. As used in this chapter, "eligible student" means a student who is:

- (1) in grade 10 or 11, if the student is enrolled in a public or nonpublic school or the equivalent academic level under a program of homebased instruction; and**
- (2) a resident of Indiana.**

Sec. 3. As used in this chapter, "program" refers to the preliminary scholastic assessment test/national merit scholarship qualifying test.

Sec. 4. As used in this chapter, "PSAT" refers to the preliminary scholastic assessment test/national merit scholarship qualifying test.

Sec. 5. The PSAT program is established to encourage eligible students to take the PSAT. The department and the commission



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shall administer the program jointly.

Sec. 6. (a) The program shall provide each eligible student who:

- (1) qualifies to take the PSAT;
- (2) wishes to take the PSAT; and
- (3) is appropriately registered to take the PSAT;

the opportunity to take the PSAT at no cost to the student.

(b) An eligible student may take the PSAT at no cost two times under the program.

Sec. 7. The department and the commission shall prepare an annual report concerning the implementation of the program and shall submit the report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:

- (1) The number of students participating in the program.
- (2) Recent trends in the field of preliminary scholastic assessment testing.
- (3) The distribution of money under this program.
- (4) Other pertinent matters.

Sec. 9. The board and the commission may adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 391 as printed April 6, 1999.)

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